

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1231 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE K.A.PUJ

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgement?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

HITESH HARILAL OZA

Versus

HINABEN HITESHBHAI OZA

Appearance:

1. Civil Revision Application No. 1231 of 2001
MR BD KARIA for Petitioner No. 1
MR TEJAS D KARIA for Petitioner No. 1
MR YOGESH S LAKHANI for Respondent No. 1
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CORAM : MR.JUSTICE K.A.PUJ

Date of decision: 23/10/2002

ORAL JUDGEMENT

The present Civil Revision Application is filed

against the order dated 7.12.2000 passed by the 8th Jt.Civil Judge (S.D.), Rajkot, below Application Exh.4 in H.M.P. No. 106 of 1999 whereby the impugned order of interim maintenance of Rs.1,000/- per month is granted to the present respondent from 8.10.1999.

2. Since the impugned order is an interim order and the Hindu Marriage Petition is still pending before the trial Court, the present Civil Revision Application is not maintainable in view of the amendment made in Section 115 of the Code of Civil Procedure.

3, Mr.B.D.Karia, learned Advocate appearing on behalf of the petitioner seeks permission to withdraw the present Civil Revision Application with a liberty to file Special Civil Application under Article 226/227 of the Constitution of India. Permission as prayed for is granted. The present Civil Revision Application is accordingly disposed of as having been withdrawn. Rule is discharged with no order as to costs.

(K.A. Puj, J.)
Sreeram.